

JOURNAL OF THE HOUSE.

Monday, May 8, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petruccelli of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we take this moment to offer a prayer to You during which we think about You, spiritual realities and to thank You for our daily blessings. This pause in our daily routine enables us to set thoughtfully our goals and priorities for the day. Your assistance and guidance enables us to recognize our responsibilities and to address successfully our opportunities for serving people and the common good. In these uneasy and uncertain times, inspire us to work together, even with our political differences, in resolving current issues in our communities and in the Commonwealth.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petruccelli), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to the Cherry Valley and Rochdale Water District [see House, No. 1290, amended] (for message, see House, No. 4928) was filed in the office of the Clerk on Friday, May 5.

Cherry Valley
Rochdale
Water District.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Binienda of Worcester, to the committee on Bills in the Third Reading.

Message from the Governor — Veto.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill establishing a post-retirement group health insurance trust fund in the town of Concord [see House, No. 2980] (for message, see House, No. 4929) was filed in the Office of the Clerk on Thursday, May 4.

Concord,
group health
insurance.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

*Message from the Governor.*Collective
bargaining.

A message from His Excellency the Governor (under the provisions of Section 7 of Chapter 150E of the General Laws) submitting requests for making appropriations to fund collective bargaining agreements between the Commonwealth and various unions (House, No. 4930) was filed in the office of the Clerk on Thursday, May 4.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

*Communication from the Governor.*Civil
penalties,
imposition.

A communication was received from the Governor announcing his appointment of Martha Martini as his designee to the special permanent commission established (under section 6 of chapter 54 of the Acts of 2005) to study and analyze the imposition of civil penalties on certain offenses within the commonwealth.

*Guests of the House.*Fitchburg,
Applewild
School.

During the session, the Chair (Mr. Petrucci of Boston) declared a brief recess and introduced members of the 9th grade class from the Applewild School in Fitchburg. They were the guests of the Speaker.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Stephen J.
Theall.

Resolutions (filed by Mrs. Harkins of Needham) on the retirement of Stephen J. Theall;

National
Nurses
Week.

Resolutions (filed by Mrs. Canavan of Brockton and other members of the House) honoring National Nurses Week and the commitment of registered nurses of the Commonwealth of Massachusetts;

Essex National
Heritage
Commission.

Resolutions (filed by Mr. Keenan of Salem and other members of the House) congratulating the Essex National Heritage Commission on the occasion of its tenth anniversary;

Judith
Malone
Neville.

Resolutions (filed by Representatives Khan of Newton, Balser of Newton and Koutoujian of Waltham) congratulating Dr. Judith Malone Neville on the occasion of her retirement;

Doris
Skillman
Stockton.

Resolutions (filed by Ms. Story of Amherst) honoring Doris Skillman Stockton, Professor of Mathematics at the University of Massachusetts Amherst; and

Bion R.
Bubier.

Resolutions (filed by Mr. Turner of Dennis) congratulations to Bion R. Bubier on the occasion of his eightieth birthday;

Mrs. Harkins, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Straus of Mattapoisett, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Papers from the Senate.***Bills**Dental
service.

Further regulating the investment of reserves by dental service corporations (Senate, No. 2196) (on a petition);

Increasing the minimum pension for retirees (Senate, No. 2292, amended in line fourteen by inserting after the figure “\$15,000” the words “, but the retirement allowance shall not exceed the salary currently being paid for the position from which the person retired or, if the position no longer exists, a similar position.”) (on Senate, Nos. 1508, 1533 and 1614 and House, Nos. 321, 326 and 511);

Retirees,
pension.

Further regulating the rights of an adopted child (Senate, No. 2510) (on Senate, No. 2441);

Adoption.

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Bridgewater (Senate, No. 2511) (on Senate, No. 2458);

Bridgewater,
land.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Further regulating the operations and governance of credit unions (Senate, No. 2288) (on House No. 2964);

Credit
unions.

Further regulating college student meningococcal disease immunization (Senate, No. 2290, amended in lines 5 and 7, by striking out, in each instance, the word “private”) (on Senate bill, No. 2173);

Meningococcal
disease.

Authorizing campaign contributions by debit card (Senate, No. 2340) (on a petition);

Campaign
contributions.

Further regulating the consignment of fine art (Senate, No. 2461) (on Senate bill, No. 1838);

Fine art.

Changing the membership of the board of the Massachusetts Water resources Authority employees' retirement system (Senate, No. 2507) (On Senate bill, No. 1501);

MWR A ,
retirement
board.

Requiring a disabled commuter representative on regional transit advisory boards (Senate, No. 2509) (on Senate bill, No. 2131);

Regional
transit.

Punishing assault and battery by means of a bodily substance upon correctional facility employees (Senate, No. 2517, amended by adding at the end thereof the following section:

Correctional
officers,
assaults.

“SECTION 2. Subclause (iii) of clause (c) of subsection (1) of section 13B of chapter 268 of the General Laws, as appearing in section 3 of chapter 48 of the acts of 2006, is hereby amended by inserting after the words ‘probation officer’ the following words:—, correction officer.”) (on Senate bill, No. 1324, changed);

Recommended by the Senate committee on Bills in the Third Reading to the House bill relative to the Somerville chief of police (Senate, No. 2519) (on Senate bills, Nos. 2303 and 2304);

Somerville
police.

Authorizing the appointment of special police officers in the city of Somerville (Senate, No. 2520) (on Senate bill, No. 2047);

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Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports

Of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities in the Commonwealth, severally were spread upon the records of the House, as follows:

Correctional
facilities,
inspection
reports.

Of the Essex County Correctional Facility, in the town of Middleton; and

Of the Western Massachusetts Correctional Alcohol Center, in the city of Springfield;

Severally were spread upon the records of the House; and returned to the Senate.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Clarifying the community preservation act (Senate, No. 167);

Further regulating apprentice training (Senate, No. 1086);

Authorizing private road betterment borrowing by the town of Brewster (Senate, No. 1198);

Authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings (Senate, No. 2070);

Further regulating drag racing in the city of Taunton (Senate, No. 2084);

Providing enforcement of delinquent municipal sewer fees in the city of Taunton (Senate, No. 2112, changed);

Authorizing the late filing of a tax abatement application for the National Plastics Center and Museum in Leominster (Senate, No. 2386); and

Further regulating funeral processions (Senate, No. 2483); and House bills Relative to designating basketball as the state sport (printed as Senate, No. 1851);

Relative to allowing unsigned circulars and posters (House, No. 126);

To ensure quality appointments (House, No. 282);

Relative to enhancing the penalties for distribution of methylenedioxymethamphetamine (House, No. 839);

Concerning the structure of county government (House, No. 1620); Validating the actions taken by the town of Webster open town meeting (printed in House, No. 2608);

Relative to volunteer dentistry (House, No. 2676);

Placing certain providers of services to the Commonwealth under the ethics law (House, No. 3461);

Providing a simplified procedure for municipal acceptance of subdivision roads (House, No. 3797, changed);

Designating a group home in the town of Ipswich as the Raymond M. Daniels House (House, No. 4032);

Relative to the group insurance program of the town of Boxborough (House, No. 4077);

Authorizing the town of Boylston to convey certain open space land (House, No. 4105);

Authorizing the town of Oxford to make loans to private homeowners to replace shallow water supply wells made dry by the drawdown of Sacarrappa Pond (House, No. 4238);

Authorizing the town of Medfield to lease a certain parcel of land for the construction of a sports and recreation center (House, No. 4254);

For a special law re: the retirement of Dennis Mullen (House, No. 4419);

Relative to temporary loans and the assessment of betterments in the town of Hingham (House, No. 4433);

Clarifying the enforcement of fence viewers' rulings (House, No. 4749);

Regarding municipal affordable housing trust funds (House, No. 4793);

Authorizing the town of Topsfield to grant a second license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4810); and

Establishing a sick bank for a certain employee of the Trial Court (House, No. 4834); and

The House Resolve directing the Superintendent of State Office Buildings to install a plaque in honor of school nurses (House, No. 3531);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

The engrossed Bill amending the law establishing the Northern Berkshire Industrial Park and Development Corporation (see House, No. 4376, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the reporting of fires in schools (see Senate, No. 1381) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

At eight minutes after eleven o'clock A.M., on motion of Mr. Fagan of Taunton (Mr. Petrucci of Boston being in the Chair), the House recessed until one o'clock P.M.; and at seven minutes after one o'clock the House was called to order with Mr. Petrucci in the Chair.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for John Lavoie, an employee of the Department of Correction (see House, No. 4566, changed), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Boston,
Dennis Mullen.

Hingham.

Fence
viewers.

Housing
trust funds.

Topsfield.

Michael
Abdow.

School
nurses.

Bill
re-enacted.

Bill
enacted.

Recess.

John
Lavoie,
sick leave.

Community
preservation.
Apprentice
training.
Brewster.

Hopkinton.

Taunton.

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Leominster
Museum.

Funeral
processions.
Basketball,
official
state sport.
Unsigned
circulars.
Commissions.
Methylenedioxymethamphetamine.

County
government.
Webster.

Volunteer
dentistry.
Ethics law.

Subdivision
procedures.

Raymond M.
Daniels House.

Boxborough.

Boylston.

Oxford.

Medfield.

Jean
Simonelli,
sick leave.

The engrossed Bill establishing a sick leave bank for Jean Simonelli, an employee of the Department of Revenue (see House, No. 4784), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Orders of the Day.

Burlington,
streets.

The House Bill authorizing the town of Burlington to accept certain streets (House, No. 4486) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted. Pending the question on passing the bill to be engrossed, Mr. Murphy of Burlington moved that it be amended at the end thereof by striking out the following: “, and no notice of taking or pro tanto award of damages must be sent to those who have an interest in the land or easements taken, but any person sustaining damage in his property shall have a period of 3 years from the recording of the order of taking to claim damages or challenge the validity of said taking, whether or not that person received actual notice taking”; and by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.” The amendments were adopted; and the bill (House, No. 4486, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At ten minutes after one o'clock P.M., on motion of Mr. Straus of Mattapoisett (Mr. Petruccelli of Boston being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.